



# Senator Sheila Kuehl

23<sup>rd</sup> District  
Newsletter  
August 2005

## Partners in Restoration: A Fish Story

By Laura Plotkin

On a recent sunny day in Malibu, Laurie Newman and I went out to visit the California Conservation Corps (CCC) workers at Solstice Creek. There, with the aid of a Bobcat and a grip hoist, the crew was busily tearing out three in-stream cement barriers that dot the creek in the canyon and prohibit the migration of endangered steelhead from returning to the upper reaches of Solstice Creek to spawn. This project is part of a larger project that will open about 1.8 miles of historic steelhead habitat, providing sediment redistribution, the creation of new gravel beds for steelhead to lay their eggs and the re-establishment of rearing and holding habitat.

Steelhead were found in Solstice Creek until 1947 when the Pacific Coast Highway (PCH) was widened, making the entire creek inaccessible to fish. Two culverts and three upstream check dams were constructed at the time for water storage and cattle watering, but have since filled in with sediment. Caltrans has completed a culvert modification plan and will modify the PCH culvert in the fall of 2006, and the Department of Fish and Game has funded the National Park Service (NPS) and the City of Malibu to modify the Corral Canyon culvert. The California Coastal Conservancy has funded NPS for a contractor to remove all three check dams and one fair weather crossing, which will be replaced by a bridge by the fall of 2005.

The CCC crews will remove three fair weather crossings located in the upper watershed with jack hammers and carry the concrete debris from the creek channel for off-site disposal, and the creek channel will re-grade by natural creek processes. The removal of these three barriers has been funded by an American Rivers-NOAA Partnership grant and the California Coastal Conservancy. The removal of all of the barriers has been the work of several organizations over 5 years. Those groups include NPS, the Santa Monica Mountains Resource Conservation District, Heal the Bay, the City of Malibu, the California Coastal Conservancy, the California Department of Fish and



*Laurie Newman, Laura Plotkin, and Robert Lightfoot.*

Game, the Southern California Wetlands Recovery Project, the Pacific States Marine Fisheries Commission, and Caltrans. It is the first project of its kind located in a heavily urbanized area such as Los Angeles County.

The crew members that participate in the Restoration Program learn how to better care for their natural environment while developing a strong work ethic, marketable job skills and a sense of community and accomplishment. As for the fish, well, they will finally be able to go home!

*Laura Plotkin is Senator Kuehl's District Director.*

## IN • THIS • ISSUE

- 2 Report Finds Criminal Justice System Fails to Protect Domestic Violence Victims and Families
- 3 Kuehl Seeks Workers' Compensation Accountability
- 4 LGBT Caucus Revives Marriage Equality Bill
- 5 A Bright Future for 'Jewel of Oxnard'
- 6 Budget Compromise Protects Key Programs

# Report Finds Criminal Justice System is Failing to Protect Domestic Violence Victims and Families

---

By Tam Ma

On July 26<sup>th</sup> of this year, Attorney General Bill Lockyer released a report detailing ways in which the criminal justice system is failing to enforce California's domestic violence laws. The Attorney General called for implementation of 5 key recommendations to reduce domestic abuse and challenged local law enforcement and judicial officers to increase and improve their efforts to stop the cycle of family violence.

"The laws already on the books should be holding batterers accountable for their violent behavior, but the criminal justice system often fails to enforce them," Lockyer said. "System fatigue is not an excuse for domestic abuse. We are going to shift a culture of complacency into a culture of compliance."

The report is based on an extensive two-year assessment by Attorney General Bill Lockyer's *Task Force on Local Criminal Justice Response to Domestic Violence* -- a 26-member group of experts and leaders in law enforcement, the courts, victim advocacy, public health and the legislature. Senator Sheila Kuehl was a member of the task force and is authoring one of the bills to implement the task force's legislative recommendations.

Key findings of the report:

- California's courts are not issuing restraining orders, even when required to do so under law.
- Many of those restraining orders which are issued are never served.
- There is often lax enforcement of restraining orders, especially firearm prohibitions.
- Community-based victim advocates are not used by all prosecuting offices to assist domestic violence victims.
- Attendance at court-ordered programs for batterers is not tracked and many never complete the program.
- A serious lack of coordination plagues criminal justice agencies' approach to domestic violence.

"Our report includes disturbing examples of agencies that have failed to respond to domestic violence victims, failed to enforce the law and failed to work in collaboration," said Casey Gwinn, chair of the Attorney General's task force. "Yet, we have also seen firsthand how much can be accomplished when there is

strong local leadership and cooperation among agencies."

In response to the findings, the Attorney General has sponsored several legislative solutions. AB 1288 (Chu), would authorize arraignment courts to prohibit domestic violence defendants from possessing firearms. That bill would also allow local law enforcement to advise a domestic violence victim whether the batterer possesses a firearm, according to a Department of Justice's (DOJ) database. SB 720 (Kuehl), would help ensure that family court restraining orders are entered into the Department of Justice's database so that the proof does not rest solely with victims.

Among the report's recommendations:

- Enforce the laws that already exist. Court officials should issue more restraining orders and get them into the system. Batterers must surrender their guns and if they do not, law enforcement must confiscate the weapons.
- Local counties should adopt a model, currently successful in Long Beach, in which family court judges confer informally with local agency representatives, the District and City Attorneys' offices, court officials, law enforcement agencies and advocacy organizations.
- Break down the walls built by a compartmentalized system by co-locating criminal justice and victim service agencies, as has happened at San Diego's Family Justice Center.
- The courts and the programs designed to get batterers to control and change their behavior must consistently impose sanctions on batterers who fail to attend classes.
- Improve computer database systems so that restraining orders get into the system, and so that attendance at required batterer intervention classes are carefully tracked.

Among the report's positive findings is a pilot project in Orange County's domestic violence court to confiscate prohibited firearms. The court subjects all defendants at initial arraignment to a criminal protective order that requires them to surrender their firearms within 24 hours. The court also requires these defendants to contact DOJ, which checks the information in its Automated Firearms System and enforces the firearms prohibition.

DOMESTIC VIOLENCE *continued on page 3.*

"The task force report gives domestic violence advocates an opportunity to discuss its many findings and recommendations with our partners in the criminal justice system," stated Karen Cooper, Board President of the California Partnership to End Domestic Violence. "As a victim advocate, I especially appreciate that the report addresses reducing the burdens the criminal justice system can place on victims who are already traumatized."

The Task Force focused its investigation on 10 target counties, interviewing hundreds of practitioners and holding 6 public hearings to examine how well local criminal justice agencies respond to and deal with domestic violence issues, identify programs that work well and determine how to improve efforts to protect and prevent family violence.

The Attorney General's decision to appoint the task force was prompted, in part, by the findings of a

study he and Senator Kuehl commissioned to determine the effectiveness of laws and practices aimed at reducing domestic violence. Published in June 2003, the Senate Office of Research report showed that, while California has taken critical steps to protect domestic violence victims, a comprehensive assessment of those efforts was still needed.

Domestic violence statistics collected by DOJ show California local law enforcement agencies received 186,439 domestic violence-related calls for assistance in 2004. During that same year, there were 169 murders committed as a result of intimate partner violence and 46,353 adults and juveniles were arrested for spousal abuse under Penal Code section 273.5.

Copies of Keeping the Promise – Victim Safety and Batterer Accountability are available at the Attorney General's Crime and Violence Prevention Center web site at [www.safestate.org/domesticviolence](http://www.safestate.org/domesticviolence).

*Tam Ma is a Consultant in the Capitol Office.*

---

## Kuehl Seeks Workers' Compensation Accountability

---

By Anne Neville

This year, Senator Kuehl introduced Senate Bill 538, the Occupational Healthcare Accountability Act. If implemented, SB 538 would establish quality assurance standards for medical networks chosen by employers to treat California's injured workers. By applying these modest standards to medical networks, injured workers will receive better care and return to employment sooner.

Medical Providers Networks (MPNs) were created during the Legislature's overhaul of the Workers' Compensation system last year. The legislation required very little oversight of the newly created MPNs. In fact, MPNs are not currently required to demonstrate that they even have the capacity to serve covered employees, or to manage the estimated number of likely claims. Moreover, while MPNs are subject to less supervision by the Division of Worker's Compensation (DWC) than similar networks (Health Care Organizations, for instance), they are provided far more control over the medical care of patients.

The current workers' compensation system effectively gives employers the right to control medical care, and so it is vital that the legislature enact modest and reasonable standards to guarantee the provision of quality care. During legislative hearings this spring, Senator Kuehl underscored this need. "Since the law requires in-

jured workers to be treated within defined medical networks," she said, "we owe it to these workers to provide some oversight of these groups." DWC has passed several iterations of emergency regulations relating to the oversight of MPNs, and on July 29, 2005, released a final rulemaking. Unfortunately, these regulations still do not include the basic protections and provisions that anyone might expect of a healthcare provider.

SB 538 would require MPNs to:

1. Demonstrate, in a manner determined by the administrative director, that it has the organizational and administrative capacity to provide services to covered employees.
2. Provide reliable projections of the number and geographic location of covered employees in the network.
3. Develop a written program directing a quality assurance committee to identify problems and to improve the quality of care.
4. Reapply for approval for their status as MPNs every three years.

In addition, under SB 538, Health Care Organizations (HCOs) applying to be certified as a MPN must demonstrate that the HCO has the capacity to provide appropriate services.

*Anne Neville is Legislative Aide in the Capitol Office.*

# LGBT Caucus Revives Marriage Equality Bill in the State Senate

By Senator Kuehl  
Chair of the LGBT Legislative Caucus

Following the near passage of AB 19 in the State Assembly on June 2nd, the 6 members of the LGBT Caucus voted unanimously to continue consideration of the bill in this legislative year by amending the language of AB 19 into a different legislative vehicle, AB 849, which had already gone to the State Senate. This procedure, rather inelegantly referred to as a "gut and amend" allows another month for the legislature to consider and vote on marriage equality. If the bill passes the State Senate, it will go back to the Assembly for concurrence.

The original bill, AB 19, came to the Floor of the Assembly at the very end of the period for voting on bills in the house of origin. Most members had only two days, amid a bewildering flurry of bills, to consider their vote on this controversial issue. The author, of SB 19, Assemblymember Mark Leno put it this way: "Because civil rights battles are never won in a day, we must move this issue forward whenever we can. This is the year to do it. We came so close to victory in June. With a few more months to make our case, the Caucus believes we will prevail," he said. The bill will again be sponsored by Equality California, the statewide LGBT civil rights advocacy organization.

AB 849 repeats the language formerly in AB 19, amending the section of the California Family Code defining marriage to provide that it is a civil contract between two persons, instead of a civil contract solely between a man and a woman. The bill also reaffirms that no religious institution would ever be required to solemnize marriages contrary to its fundamental beliefs. The bill is again co-authored by over 30 Members and Senators of the Legislature.

"This is the civil rights issue of the decade," said Senator Carole Migden. "The tide is changing. We're

closer every day."

"When we ensure that all Californians are treated equally, we strengthen our own freedoms and liberties. When we stand up for one another, everyone shares in that victory because we will have demonstrated that discrimination, in any form, has no place in our laws," added Senator Christine Kehoe.

The contents of the amended version of AB 849 have already been approved by the Assembly Judiciary Committee and the Assembly Appropriations Committee in AB 19. On July 13, the Senate Judiciary Committee passed AB 849 on a 5 – 2 vote. The bill is now pending in the Senate Appropriations Committee before moving to the Senate floor in August or September. If approved, it would then go back to the Assembly floor for concurrence, with the result that the subject matter of the bill will have had full hearings in both houses.

"We must end California's endorsement of second-class citizenship for its LGBT citizens," said Assemblymember Jackie Goldberg. "Over the past year we built a strong foundation of elected representatives in support of marriage equality for all Californians. That is something to build on, not walk away from," concluded Assemblymember John Laird.

The Legislative LGBT Caucus was formed in June 2002. The caucus' role is to present a forum for the California Legislature to discuss issues that affect lesbian, gay, bisexual, and transgender (LGBT) Californians and to further the goal of equality and justice for all Californians. Formation of the LGBT Caucus made California the first state in the country to recognize an official caucus of openly-LGBT state legislators. The LGBT Caucus currently consists of six members: Senators Sheila Kuehl, Christine Kehoe and Carole Migden and Assemblymembers Jackie Goldberg, John Laird and Mark Leno.

**The 23<sup>rd</sup> Senate District includes the cities of Agoura Hills, Beverly Hills, Calabasas, Hidden Hills, Malibu, Oxnard, Santa Monica, West Hollywood and Westlake Village and the communities of Bel Air, Brentwood, Canoga Park, Encino, Hollywood, Mt. Olympus, Port Hueneme, Pacific Palisades, Sherman Oaks, Studio City, Tarzana, Topanga, West Los Angeles, West Hills, Westwood and Woodland Hills.**





# A Bright Future for the 'Jewel of Oxnard'

By Hilda Garcia

In the mid-1800's, an extensive estuarine wetlands system existed on the coast of Oxnard, California. Since that time, most of the wetlands complex has been destroyed by development. South Ormond Beach is one of the few remaining pieces of this once vast wetland that is still relatively unmodified.

Ormond Beach was designated a priority site for preservation and restoration under the Southern California Wetlands Recovery Project of the California Coastal Conservancy.

Seven years later, plans to sell 276 acres of Ormond Beach to the State Coastal Conservancy for wetlands preservation cleared a final hurdle when the Oxnard City Council agreed to abandon an unused easement on the property and to release the city's old option rights to the land.

The city agreed to sell the 276 acres for \$12.9 million to the Coastal Conservancy in January. The property was jointly owned with the Metropolitan Water District, which approved the sale last year.

In 2002, the Coastal Conservancy purchased a 265-acre parcel of Ormond Beach property from Southern California Edison for \$9.7 million. The conservancy hopes to buy an additional 220 acres in the future, which would put its Ormond Beach holdings above 750 acres -- the amount needed to create a self-sustaining wetlands area.

The Nature Conservancy will take charge of the project to restore the wetlands, which host a variety of wildlife, including the California least tern and Western snowy plover.

*Hilda Garcia is Field Representative in Senator Kuehl's District Office.*

## Aerial View of Ormond Beach



# Budget Compromise Protects Key Programs

By Keely Martin Bosler

On July 7, 2005 the Legislature approved the 2005 Budget Act, adopting a balanced budget, and authorizing total spending of \$113 billion for the 2005-06 fiscal year. "It was very difficult to support some of the decisions on programs I feel are important, but the Legislature had to compromise with the Governor and the result was an honest budget that makes some progress towards addressing the state's ongoing structural deficit," said Senator Kuehl.

Highlights of what is contained in the budget compromise include the following:

- **Education.** The Governor did not agree to restore the Proposition 98 minimum, as he had indicated he would last year. The budget, as adopted, provides \$50 billion to fund K-12 education and community colleges, and provides local schools with some additional funding to meet growth in average daily attendance and to fund a small increase in the cost of living. The budget also fully funds expected growth and some cost increases for higher education campuses statewide.
- **Transportation.** The spending plan fully funds the Proposition 42 transfer to transportation projects, which will allocate an additional \$1.3 billion to transportation projects to improve traffic congestion throughout the state.
- **Human Services.** The Legislature rejected the Governor's proposal to reduce CalWORKs grant levels and eliminate cost of living adjustments for CalWORKs grants, but because of state fiscal constraints the cost of living adjustments were suspended for two years as part of the budget compromise, saving \$270 million over two years. The Legislature also rejected the Governor's proposal to reduce state funding for provider wages and benefits for providers of In-Home Supportive Services.
- **Senior Citizen Tax Relief.** The Legislature rejected the Governor's proposal to reduce renters and property tax assistance programs for senior citizens, thereby preserving tax assistance of over \$140 million for low-income senior citizens.
- **Local Governments.** The budget accelerated repayment of \$1.2 billion owed to local governments. This repayment restores a major source of discretionary funding for local governments. The budget also pays over \$60 million in past education mandate claims owed to local school districts.

Following adoption of the budget, the Governor is allowed to "blue-pencil," or delete, additional items. In the 2005-06 budget, the Governor blue-penciled the following, without the concurrence of the Legislature:

- **Natural Resources.** The Governor deleted over \$23 million to enhance protection of the state's wildlife and fisheries, facilitate improved access to state park properties, and protect California's coastline.
- **Social Services.** The Governor deleted \$1.4 million to support community care licensing. The Legislature restored these funds finding evidence that community care licensing activities at the state have sustained numerous budget reductions over the past years and a significant backlog of work has accumulated as a result. The Governor also deleted \$3.5 million that would have supported reforms and improvements to the child welfare services system, including expanded child abuse prevention efforts.
- **Health Services.** The Governor deleted \$3 million to continue funding for a program that improves access and treatment for low-income Californians with prostate cancer.
- **Education.** The Governor deleted \$27 million from the K-12 budget, including funding for instructional materials for English learners, special education programs, and the Healthy Start program.

For more details on the budget you can access summary reports by the Legislative Analyst's Office at [www.lao.ca.gov](http://www.lao.ca.gov) and the Senate Budget and Fiscal Review Committee at [www.sen.ca.gov](http://www.sen.ca.gov).



## Subscribe to Senator Kuehl's District Newsletter!

Send an e-mail to [Senator.Kuehl@sen.ca.gov](mailto:Senator.Kuehl@sen.ca.gov) and write "subscribe newsletter" in the subject line.

The newsletter is also available on Senator Kuehl's website at: [www.sen.ca.gov/kuehl](http://www.sen.ca.gov/kuehl)